

REMARKS

Claim 1 has been amended to incorporate the subject matter of dependent claims 2 and 8, which have been cancelled without prejudice. Likewise, claim 10 has been amended to incorporate the subject matter of dependent claims 11 and 17, which have been cancelled without prejudice. Claims 3, 4, 12, and 13 have been amended only to correct their dependency following the above amendments, and not for any reasons related to patentability. New claim 18 consists only of the subject matter of original claim 1 plus a portion of the subject matter of original claim 8.

This amendment adds no new matter and raises no new issues.

The Rejection

Claims 1-17 stand rejected as unpatentable under 35 U.S.C. 103(a) over Ziegler et al. (U.S. Patent 4,967,544), in view of Vogelaar (U.S. Patent 2,766,572), and in further view of the Industrial Hydraulic Technology Bulletin cited by the Examiner.

Applicant respectfully traverses the rejection and requests reconsideration of the application for the following reasons.

Arguments

The Industrial Hydraulic Technology Bulletin cited by the Examiner discloses a “pressure compensated, variable volume pump.” Neither the Bulletin, nor any other reference of record, teaches, or even suggests that the “hydraulic load . . . is sensed by the variable pump” [emphasis added] as recited in every independent claim in the

application as amended. In contrast, the Ziegler reference discloses “a microcomputer that is programmed to control the flow of hydraulic fluid” (col. 2, lines 51-53), the motors of the Vogelaar reference are controlled directly by the operator via levers and a steering wheel (col. 3, lines 46-48), and the Bulletin teaches control of the variable volume pump by “the compensator” which, according to the figure in the reference, appears to be a valve and a reservoir (page 13-17). None of the cited references disclose a pump sensing a load, therefore no combination of the references teaches all of the features of the current invention.

Furthermore, none of the cited references teach, or even suggest, a hydraulic “load sensing line” as recited in every independent claim in the application as amended. The claimed load sensing line is indeed a hydraulic line as clearly indicated by the specification (paragraph 27), and the claims must be interpreted in light of the specification. Additionally, the claimed line is obviously hydraulic to one of ordinary skill in the art because the line is part of a hydraulic circuit and connects only other hydraulic elements: using the language of the claims, the “variable pump is connected to the hydraulic header circuit via a load sensing line” (claim 18) and “a load sensing line connected to the steering circuit, the . . . valve stack[s], and to the variable pump” (claims 1 and 10). Therefore, the Examiner’s argument that the electronic load circuit of the Ziegler reference is analogous to the claimed load sensing line is moot. None of the cited references disclose, or even suggest, such a hydraulic load sensing line, therefore no combination of the references teaches all of the features of the current invention.

Moreover, the Office Action dated July 25, 2003 contained an error in that it erroneously asserts the 103(a) rejection is on the basis of the Ziegler and Vogelaar patents, when in fact the rejection is based on a combination of the two patents plus the Industrial Hydraulic Technology Bulletin cited by the Examiner.

For the above reasons, the Applicant asserts that claims 1, 3-7, 9, 10, 12-16, and 18 are believed to be in condition for allowance, and prompt notice of allowance is earnestly solicited.

Questions are welcomed by the below-signed attorney for applicant.

Respectfully submitted,

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